

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA

v.

JAMES LEDONNE

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Cause No. 3:14 CR 00055

DEFENDANT'S MOTION FOR REVIEW OF DETENTION ORDER

Comes now the defendant, James Ledonne, by his attorney, Kevin Milner, and hereby moves this Honorable Court, pursuant to 18 U.S.C. 3145(b), to revoke the detention order, imposed by the Magistrate, and set a reasonable bond. In support of the motion, the defendant states as follows:

1. On May 22, 2014, a detention hearing was held, on motion of the government, before the Magistrate. At the conclusion of the hearing, the Magistrate granted the government's motion to detain the defendant pending trial.

2. The Magistrate's ruling indicated that the basis of the detention was that the defendant is a flight risk. He made no finding as to dangerousness to the community, despite the government's request that he do so. *See Amended order of detention.*

3. As the defendant argued at the hearing, he has very substantial ties to the community. He grew up locally. He has 5 children, ages 6, 8, 9, 13, and 15. All of the children attend local schools. He has been married to his wife, Stephanie, for 16 years. They have lived in the same home in Granger, Indiana since their marriage and still do. The defendant's 94 year old father lives in Elkhart and relies on the defendant for assistance. Stephanie's parents live locally. The defendant owns no passport. He has no property or family outside of the area, let alone the country.

4. The government has argued that the defendant is a flight risk because of the unusual amount of imprisonment he is facing. However, this is untrue on several fronts. Although, as the government notes, the defendant is facing many years should the statutory maximums be imposed and sentences run consecutively, a more accurate picture can be found by examining the sentencing guidelines. Under the guidelines, the defendant's base offense level is 7 (2B1.1(a)(1)), 16 levels are added for the alleged amount of loss (2B1.1(b)(1)(I)), 4 levels are added due to the government's allegation that there is in excess of 50 victims, and 2 levels are added if there is a finding that the alleged offense involved "sophisticated means" (2B1.1(b)(9)(C)), for a total offense level of 29. Should the case result in a plea agreement, as the vast majority of federal criminal cases do, it would call for a 3 level reduction and a sentence at the low end of the guidelines. Again, this is a standard agreement despite any representations the government would make to the contrary. In addition, because the guidelines are not mandatory, the Court is not obligated to impose a guideline sentence and is free to sentence the defendant to a lower sentence if it deems it appropriate. Under this calculation, the defendant would be a level 26 with a criminal history category II and a sentencing range of 70-87 months. The defendant would be facing less than 5 years of actual prison time as opposed to the government's calculations which somehow exceed those given to terrorists and those who would plot against the president.

5. The defendant has been found guilty of nothing. This is a "white collar" offense. There are various conditions which can be imposed to assure the defendant's appearance in court. Electronic ankle bracelets are used for this very purpose. The defendant could be confined to his home but for medical emergencies. He would not be allowed to receive visitors. He can be required to check in with Pretrial Services once, if not twice, daily. Under this scenario, it is difficult to imagine the defendant having the ability to flee, let alone the desire to leave his wife and small children behind.

6. For the foregoing reasons, the defendant respectfully requests that the Magistrate's order imposing detention be revoked, and that reasonable bond conditions be imposed.

Respectfully Submitted,

/s/ Kevin Milner

Kevin Milner

CERTIFICATE OF SERVICE

I, Kevin Milner, hereby certify that I did serve a copy of this pleading upon Orest Szewciw, Assistant U.S. Attorney, 5400 Federal Plaza, Suite 1500, Hammond, IN 46320 by electronically filing the same with the Clerk of the Court for the Northern District of Indiana, Hammond Division, on the 9th day of June, 2014.

/s/ Kevin Milner

Kevin Milner

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